

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

DEFENSE DISTRIBUTED and SECOND )  
AMENDMENT FOUNDATION, INC., )  
                                       )  
*Plaintiffs,*                     )  
                                       )  
                                       )  
                                       )  
vs.                                 )  
                                       )  
                                       )  
GURBIR GREWAL, in his official capacity as )  
the State of New Jersey's Attorney General, et )  
al.,                                 )  
                                       )

Case No. 1:18-CV-637

*Defendants.*

**DEFENDANT GURBIR S. GREWAL'S RESPONSE TO PLAINTIFFS' PRELIMINARY  
INJUNCTION HEARING QUESTION**

Defendant Gurbir S. Grewal, the Attorney General of the State of New Jersey (the “NJAG”), respectfully submits this response to the question posited by Plaintiffs’ counsel at the close of the Preliminary Injunction hearing that occurred on January 15, 2019. Specifically, Plaintiffs’ counsel asked for a commitment by the NJAG or its counsel whether—in light of the federal law at issue in the *Washington* matter—the New Jersey statute prohibited the mailing of files to residents in New Jersey. *Washington v. U.S. Dep’t of State, et al.*, 318 F. Supp. 3d 1247, 1264 (W.D. Wash. 2018).

Defendant NJAG represents that if files that fall under the definition of “digital firearms information” in Section 3(l)(2) were mailed to a New Jersey resident, that conduct could violate the New Jersey statute. *See* N.J. Stat. Ann. § 2C:39-9 3(l)(2). Based on Defense Distributed’s representations, it is not currently mailing files to New Jersey residents. The NJAG cannot determine whether Defense Distributed’s hypothetical mailings would violate the statute without more information regarding the material being mailed, the recipient, or other questions that may arise. (Second Mot. TRO, Dkt. 66, at 6; Heindorff Decl., Dkt. 65-26, at 44).

DATED: January 18, 2019

Respectfully submitted,

Pillsbury Winthrop Shaw Pittman LLP

BY: /s/ Casey Low

Casey Low

Texas Bar No. 24041363

401 Congress Ave., Suite 1700

Austin, Texas 78701-4061

Phone: (512) 580-9600

Fax: (512) 580-9601

casey.low@pillsburylaw.com

Kenneth W. Taber (admitted *pro hac vice*)  
Benjamin D. Tievsky (admitted *pro hac vice*)

Pillsbury Winthrop Shaw Pittman, LLP

1540 Broadway

New York, NY 10036

212-858-1813

Fax: 212-858-1500

kenneth.taber@pillsburylaw.com

benjamin.tievsky@pillsburylaw.com

Attorneys for Defendant GURBIR S.  
GREWAL

OF COUNSEL:

Lorraine Karen Rak  
Melissa Medoway  
Jeremy Feigenbaum  
New Jersey Attorney General's Office  
124 Halsey Street  
5th Floor  
Newark, NJ 07102

**CERTIFICATE OF SERVICE**

I hereby certify that on January 18, 2019, I electronically filed the foregoing using the CM/ECF system which will send notification of such filing to all counsel of record.

/s/ Casey Low  
Casey Low